

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**
No. 5:19-CV-94-D

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
DOUGLAS DALE CLINE,)
CHAD DALE CLINE, and)
BJ TRUCKING COMPANY, INC.,)
Defendants.)

ORDER

As explained in open court and incorporated by reference, the court GRANTS in part and DENIES in part defendants' motion for summary judgment [D.E. 29]. The court GRANTS summary judgment to Douglas Dale Cline on all four counts under the False Claims Act. The court DENIES summary judgment to Chad Dale Cline and BJ Trucking Company, Inc. on counts one, two, and three under the False Claims Act. The court GRANTS summary judgment to Chad Dale Cline and BJ Trucking, Inc. on count four under the False Claims Act (i.e., the conspiracy count). The United States has WITHDRAWN counts five, six, and seven, and those counts are no longer in the case. The court DENIES summary judgment to all three defendants on plaintiff's claim in count eight under 28 U.S.C. § 3304(a)(2). The court GRANTS summary judgment to defendant Douglas Dale Cline on plaintiff's claim in count eight under 28 U.S.C. § 3304(b). The court DENIES summary judgment to defendants Chad Dale Cline and BJ Trucking Co., Inc. on plaintiff's claim in count eight under 28 U.S.C. § 3304(b).

The parties shall engage in a court-hosted settlement conference with United States Magistrate Judge Gates. If the case does not settle, the parties shall submit proposed trial dates for February or March 2022.

SO ORDERED. This 20 day of August, 2021.

J. C. Dever
JAMES C. DEVER III
United States District Judge